

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BLUEGRASS WIRELESS)	
LLC FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A CELL SITE (WOODBINE) IN RURAL)	2008-00080
SERVICE AREA #11 (WHITLEY) OF THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

On April 15, 2008, Bluegrass Wireless LLC ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 255 feet in height, with attached antenna, to be located at 341 Sutton Mill Road, Corbin, Whitley County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 54' 35.59" by West Longitude 84° 6' 2.04".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning

Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. On March 31, 2008, the Commission received a letter requesting information regarding the proposed construction from Jim L. Taylor. The Commission responded to Mr. Taylor's request by letter on April 1, 2008. The Commission has received no further correspondence from Mr. Taylor.

On April 21, 2008, the Commission received a request for full intervention in this matter from Terry R. Beckner on behalf of Tracy Sullivan Sears and the Edith Sullivan Life Estate. The Commission granted intervention to Mr. Beckner's clients by Order on May 5, 2008. An informal conference was held in this matter on July 30, 2008 wherein Mr. Beckner, on behalf of his clients, the Applicant and Commission Staff discussed the proposed location and the Intervenor's concerns regarding construction and placement. On August 29, 2008, the Commission issued an Order which allowed Mr. Beckner's clients 10 days to notify the Commission of the desire of his clients to remain as Intervenor, and to declare their intent to appear at a public hearing to be held in this matter. On September 9, 2008, Mr. Beckner filed a letter, on behalf of his clients, asking to be withdrawn as Intervenor in this matter. The letter states that the Intervenor and the Applicant have resolved the issues originally raised by the Intervenor. The Commission will treat the letter as a Motion to Withdraw and finds that this Motion should be granted.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Intervenor's Motion to Withdraw is granted, and Tracy Sullivan Sears and the Edith Sullivan Life Estate are removed as parties to this proceeding.

2. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 255 feet in height, with attached antenna, and is to be located at 341 Sutton Mill Road, Corbin, Whitley County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 54' 35.59" by West Longitude 84° 6' 2.04".

3. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

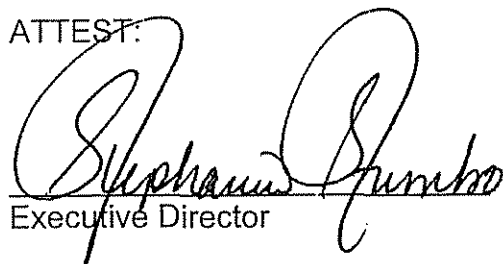
4. The Applicant shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

5. The Applicant shall also notify the Commission in writing, within 20 days of completion, that it has finished construction of the tower and the date upon which said construction was complete.

Done at Frankfort, Kentucky, this 26th day of September, 2008.

By the Commission

ATTEST:


Executive Director

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